

SECRET

SSA 64-0176

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OGC HAS REVIEWED.

OGC 64-0219(a)

6 FEB 1964

MEMORANDUM FOR: Chief, Eastern Europe Division

SUBJECT: Advance Dependent Travel

1. On 27 January 1964 you requested our opinion with regard to the desired advance return at Agency expense [] of an employee's dependents in light of divorce proceedings now in process. The employee has completed a tour of duty and will remain in [] for a second tour. His wife will have completed her travel prior to completion of the divorce proceedings.

25X1A6A

2. [] provides for the COS or COB to authorize advance return for dependents when that official "determines that the public interest requires the return of a member of the family for compelling personal reasons of a humanitarian or compassionate nature, including but not limited to cases which may involve physical or mental illness or death of any member of the immediate family" (emphasis supplied). We believe this authority would permit the appropriate official [] to authorize the return of the wife and children and presumably he is prepared to do so. [] however, requires that the employee agree in writing to repay the expenses of advance travel of dependents when the "employee has a change in marital status which cancels the family's eligibility for return to the United States." For a change in marital status to effectively cancel a family's eligibility for return to the United States it must occur before the employee himself becomes eligible for such return, that is, normally within 24 months after his PCS assignment abroad. The employee's right to return of his family vests upon completion of a tour of duty and a change of marital status after that time does not affect this right. Accordingly, we believe that the employee in this case need not be required to reimburse the Agency for any amount which might be paid for advance return of his dependents.

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3. We have discussed this case with a representative of the General Counsel's Office of the GAO and we believe this ruling is consistent with the rule applicable elsewhere in the Government.

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cc: C/O&L/CF
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